



FILED

07-21-06
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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Calaveras Telephone Company (U 1004 C),
Cal-Ore Telephone Co. (U 1006 C), Ducor
Telephone Company (U 1007 C), Foresthill
Telephone Co. (U 1009 C), Global Valley
Networks, Inc. (U 1008 C), Kerman Telephone
Co. (U 1012 C), Pinnacles Telephone Co. (U
1013 C), The Ponderosa Telephone Co. (U 1014
C), Sierra Telephone Company, Inc. (U 1006 C),
The Siskiyou Telephone Company (U 1017 C),
and Volcano Telephone Company (U 1019 C),

Complainants,

v.

New Cingular Wireless, PCS, LLC, (U 3060 C),
Cagal Cellular Communications, Corporation
(U 3021 C), Visalia Cellular Telephone
Company (U 3014 C), and Santa Barbara
Cellular Systems, Ltd., (U 3015 C),

Defendants.

Case 06-03-026
(Filed March 15, 2006)

ASSIGNED COMMISSIONER'S RULING AND SCOPING MEMO

This ruling sets the schedule for the proceeding and determines its scope.

Background

Calaveras Telephone Co., Cal-Ore Telephone Co., Ducor Telephone Co.,
Foresthill Telephone Co., Global Valley Networks, Inc., Kerman Telephone Co.,

The Ponderosa Telephone Co., Sierra Telephone Co., The Siskiyou Telephone Co., and Volcano Telephone Co. (the Small LECs) seek reimbursement from New Cingular Wireless PCS, LLC, Cagal Cellular Communications Corp., Visalia Cellular Telephone Co., and Santa Barbara Cellular Systems, Ltd. (Cingular) for minutes of use originated by Cingular and terminating on the Small LECs' networks from May 2003 through April 2005. Cingular asserts that it does not owe the Small LECs the invoiced termination charges, because the charges are not based on wireless termination tariffs or a Commission-approved interconnection agreement, and there is no provision for reciprocal compensation.

The parties agree that reciprocal compensation will be resolved in another Commission proceeding, Application (A.) 06-02-028, their interconnection arbitration. The parties anticipate a decision in that proceeding will issue in November 2006. They request that this proceeding set alternate schedules that would require the parties to provide stipulated facts or testimony in November 2006.

On July 13, 2006, Cingular wrote to the administrative law judge (ALJ) requesting an extension of the one-year statutory deadline under Pub. Util. Code § 1701.2 to accommodate the alternate schedules. The Small LECs concur with the request.

Scope of the Proceeding

The dispute between the parties centers on two issues:

1. Is Cingular is required to pay charges for terminating minutes of use billed under the Small LECs' access service tariffs?
2. If Cingular is required to pay charges under the Small LECs' access service tariffs, is the obligation reciprocal?

The second of the two issues is expected to be resolved in A.06-02-028, leaving only the first issue and the calculation of any amounts owed to be adjudicated here. It is reasonable to delay the schedule of this proceeding to first resolve the earlier proceeding. The parties also anticipate the outcome of the arbitration proceeding could permit the parties to resume settlement negotiations, which had reached an impasse.

Schedule

This proceeding has alternate schedules. The first schedule anticipates the parties will stipulate to material facts and will avoid hearings. If the parties are unable to reach a stipulation of facts, the second schedule sets hearings. A conference call will be scheduled for early November to establish the final schedule. The alternate schedules for this proceeding are as follows:

STIPULATION OF FACTS SCHEDULE

Date	Event
November 15, 2006	Complainants and Defendants file stipulation of facts
December 7, 2006	Concurrent opening briefs filed
December 21, 2006	Concurrent reply briefs filed
....	Draft Decision filed within 60 days

EVIDENTIARY HEARINGS SCHEDULE

Date	Event
November 15, 2006	Complainants and Defendants serve opening testimony
December 15, 2006	Complainants and Defendants serve reply testimony
January 15, 2007	Hearings at the Commission Courtroom, 505 Van

	Ness Avenue, San Francisco, CA 94102, 10:00 a.m.
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If the parties settle or stipulate to material facts, it is possible this proceeding will resolve within the statutory deadline. Thus, it is premature to address at this time the request for a delay in the statutory deadline. The need for doing so will be determined in November, when the final schedule is adopted.

Category of Proceeding and Need for Hearing

This ruling confirms this case as an adjudication scheduled for hearing, as determined in the Instructions to Answer. Although the parties may reach a stipulation of facts, a hearing is scheduled should they fail to do so.

Designation of Presiding Officer

ALJ Janice Grau will be the presiding officer.

Ex Parte Rules

Ex parte communications are prohibited in adjudicatory proceedings under Pub. Util. Code § 1701.2(b) and Rule 7 of the Commission's Rules of Practice and Procedure.

IT IS RULED that:

1. The scope of the proceeding is as set forth herein.
2. The schedule for this proceeding is as set forth herein.
3. The presiding officer will be Administrative Law Judge Grau.

4. This ruling confirms that this proceeding is an adjudication scheduled for hearing.

5. Ex parte communications are prohibited.

Dated July 21, 2006, at San Francisco, California.

/s/ RACHELLE B. CHONG

Rachelle B. Chong
Assigned Commissioner

INFORMATION REGARDING SERVICE

I have provided notification of filing to the electronic mail addresses on the attached service list.

Upon confirmation of this document's acceptance for filing, I will cause a copy of the filed document to be served upon the service list to this proceeding by U.S. mail. The service list I will use to serve the copy of the filed document is current as of today's date.

Dated July 21, 2005, at San Francisco, California.

/s/ TERESITA C. GALLARDO
Teresita C. Gallardo